

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FREDERICK TORRENCE,	:	CIVIL ACTION
	:	
Petitioner,	:	NO. 07-3620
	:	
v.	:	
	:	
DEPARTMENT OF CORRECTIONS, et al.,	:	
	:	
Respondents.	:	

**ORDER**

AND NOW, this 12<sup>th</sup> day of September, 2008, upon careful and independent consideration of the pleadings and record herein, and after review of the Report and Recommendation of United States Magistrate Judge Carol Sandra Moore Wells, and Petitioner's objections thereto, it is hereby ORDERED that:

1. The Report and Recommendation is APPROVED AND ADOPTED;
2. Claim One in the Petition for Writ of Habeas Corpus is DISMISSED and Claim Two is DENIED, without an evidentiary hearing; and
3. Petitioner has neither shown a denial of a constitutional right, nor established that reasonable jurists would disagree with this court's disposition of his claims. Consequently, a certificate of appealability is DENIED.
5. Petitioner has submitted two filings under the above-captioned Civil Action Number that he indicates are filed pursuant to 28 U.S.C. § 2243, under which he seeks a writ of habeas corpus (Docket Nos. 3 and 13). The court determines that these filings raise the same issues as those raised by

Petitioner in his Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254. As such, these filings are also dismissed.

6. Petitioner submitted a filing that he has titled a "Petition for Habeas Corpus § 2243" (Docket No. 16) in which he again requests that this court issue a writ of habeas corpus pursuant to 28 U.S.C. § 2243. This filing addresses the same issues as raised in Petitioner's § 2254 petition. To the extent that it presents new objections to the Report and Recommendation, the court will not consider these objections, as they are untimely.

BY THE COURT:

/s/ James T. Giles

J.